

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF ISSAQUAH**

In the Matter of the Application of)	No.	FP14-00001
)		
Glenn Sprague, Core Design, on behalf)		
of Tim Walsh, Ichijo USA Co., Ltd.)	Issaquah Highlands Parcel 2	
)	Ichijo Sun Ridge Final Plat	
)		
)	FINDINGS, CONCLUSIONS,	
<u>For Approval of a Final Plat</u>)	AND DECISION	

SUMMARY OF DECISION

The Hearing Examiner **APPROVES** the Issaquah Highlands Parcel 2 – Ichijo Sun Ridge Final Plat, subject to conditions.

SUMMARY OF PUBLIC MEETING

Meeting Date:

The Hearing Examiner held a public meeting on the request on August 5, 2014.

Comment:

The following individual provided comments at the public meeting:

Peter Rosen, City Senior Environmental Planner

Exhibits:

The following exhibits were submitted at the public meeting:

A. Staff Report, dated August 5, 2014, with the following attachments:

1. Vicinity Map, undated
2. Final Plat Application, received March 31, 2014
3. Final Plat drawings, received July 30, 2014
4. Tract A Landscape Plan, received July 17, 2014
5. Affidavit of Mailing to property owners within 300 feet (Notice of Application), dated May 16, 2014
6. Notice to parties of record (Notice of Public Meeting), dated July 9, 2014
7. Urban Village Development Commission (UVDC) Findings, Conclusions, and Recommended Conditions for Issaquah Highlands Parcel 2 – Ichijo Sun Ridge Preliminary Plat (PP12-00002), dated April 9, 2013
8. Hearing Examiner Findings, Conclusions and Decision for preliminary plat, dated May 14, 2013
9. Bond Summary and Public Works Director Letter, dated July 31, 2014
10. Issaquah Highlands Community Association (IHCA) acceptance of open space Tract A, dated February 28, 2014

Findings, Conclusions, and Decision

City of Issaquah Hearing Examiner

Issaquah Highlands Parcel 2 – Ichijo Sun Ridge Final Plat (FP14-00001)

The Hearing Examiner enters the following Findings and Conclusions based upon the comments offered and exhibits admitted at the public meeting:

FINDINGS

1. Glenn Sprague of Core Design, Inc., on behalf of Tim Walsh, Ichijo USA Company LTD (Applicant), requests approval of a final plat to subdivide approximately 4.28 acres into 35 single-family residential lots, one open space tract, and two wetland buffer areas. The open space tract (Tract A) will be conveyed to Issaquah Highlands Community Association (IHCA). The wetland buffer tracts (Tracts B and C) are contiguous to the larger buffer area for the wetland and will be conveyed to the City of Issaquah (City). Streets and alleys are proposed to be public. *Exhibit A, Staff Report, page 2; Exhibit A.3.*
2. The final plat site is located on land formerly owned by the State of Washington and annexed by the City in 2010 in anticipation of establishing a Transfer of Development Rights (TDR)¹ agreement with the Washington State Department of Transportation (WSDOT). On February 18, 2011, the “WSDOT TDR Development Agreement” was formally executed to govern the development of the area annexed by the City. Accordingly, this final plat is subject to the terms of the Issaquah Municipal Code (IMC) and the WSDOT TDR Development Agreement. *Exhibit A, Staff Report, page 3; WSDOT TDR Development Agreement, pages 3 to 14.*
3. The City received the final plat application on March 31, 2014 and determined that the application was complete on April 1, 2014. The City mailed notice of the application to owners of property within 300 feet of the subject property on May 16, 2014. The City notified parties of record of the application and associated public meeting on July 9, 2014. The City did not receive any comments on the final application during the comment period ending July 23, 2014.² *Exhibit A, Staff Report, page 3; Exhibit A.5; Exhibit A.6.*
4. The City acted as lead agency and analyzed the environmental impacts of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. The environmental impacts of the proposed development were previously addressed in the

¹ The purpose and intent of the City’s TDR program is to transfer density from eligible sending sites to eligible receiving sites through a voluntary process designed to: (1) decrease “development pressure on critical areas by providing property owners with the opportunity for a reasonable economic return by transferring development rights from parcels with these critical areas to land more suited for urban development”; (2) increase the opportunity to provide public parks; and (3) “[p]romote design and development consistent with the City’s vision as established in the Comprehensive Plan; Olde Town Design Standards; Urban Villages; and the Central Issaquah Plan.” *IMC 18.10.2005.*

² IMC 18.04.180 governs public notification of land use proposals. IMC 18.08.180.B.2 provides that parties of record and property owners within 300 feet be notified of final plat applications; IMC 18.08.180.B.6 dictates that parties of record be notified of the associated public meeting. The WSDOT TDR Development Agreement simply provides that notification occur as dictated by the Code. *WSDOT TDR Development Agreement, page 143.*

WSDOT TDR Development Agreement's Mitigated Determination of Nonsignificance (SEP10-001WS) in August 2010. The Agreement set forth 51 mitigation measures applicable to the land area covered by the Agreement, including the subject plat. The City determined that the subject plat is within the Project Envelope, as defined by the Mitigated Determination of Nonsignificance and, accordingly, no further SEPA review is necessary for final plat approval. *Exhibit A, Staff Report, page 4; WSDOT TDR Development Agreement, pages 34 to 46.*

5. The property is designated Urban Village in the City Comprehensive Plan. The purpose and intent of the Urban Village designation is to encourage innovative uses, sites, and comprehensive planning of large land parcels to provide opportunities for reasonably priced housing; encourage enhanced public services and concurrency; encourage infrastructure solutions and improvements; and encourage creative land development through clustering, integration of recreational facilities, phasing of infrastructure, and permanent preservation of wetlands and other natural areas. *City Comprehensive Plan, Land Use Element, page L-7; Exhibit A, Staff Report, page 2.*
6. The property is located within the City's Urban Village (UV) zoning district. The purpose of the district is to encourage innovative uses, sites, and comprehensive planning of large (15 acres or more) land parcels. The City Council may adopt a UV zoning district classification for property concurrent with approval of a development agreement. Upon City Council approval of a development agreement, development of the property is governed by the substantive provisions of the approved agreement and implemented through subdivisions, short plats, binding site plans, or other applicable permits in accordance with either the procedures specified in the agreement or standard City procedures if none is specified in the agreement. *Issaquah Municipal Code (IMC) 18.06.120; Exhibit 1; Exhibit 1.A, Staff Report, page 2.*
7. The Urban Village Development Commission (UVDC) recommended approval of the preliminary plat for the Issaquah Highlands Parcel 2 – Ichijo Sun Ridge Preliminary Plat (PP12-00002), on April 9, 2013, with a number of conditions. Following an open record hearing, the Hearing Examiner approved the proposed preliminary plat with 46 conditions on May 14, 2013.³ The conditions of approval were necessary to ensure compliance with Chapter 18.13 IMC (Subdivisions) and Chapter 58.17 RCW requirements that the public use and interest would be served by the subdivision and dedication, and that appropriate provisions would be made for the public health, safety, and general welfare. *Exhibit A.7; Exhibit A.8.*

³ The preliminary plat was reviewed for compliance with Chapter 18.13 IMC (Subdivisions) and with Chapter 58.17 RCW, and for consistency with the City Comprehensive Plan. Preliminary plat approvals are ultimately decided by the Hearing Examiner, following a public hearing and recommendation to the City Council on the preliminary plat application by the Urban Village Development Commission (UVDC). *IMC 18.03.060.B; IMC 18.03.170; IMC 18.04.190.C.2; IMC 18.13.200.B.*

8. Conditions placed on the preliminary plat approval for Issaquah Highlands Parcel 2 – Ichijo Preliminary Plat (PP12-00002), apply to the final plat proposal. City staff reviewed the final plat application for consistency with the conditions of preliminary plat approval. The preliminary plat conditions of approval are numbered below, followed by the City staff's analysis, in italics, of how the proposed final plat complies with each of the conditions:

1. With the submittal of the Final Plat, provide confirmation that the IHCA will accept the dedication of Tract A, the recreation/open space and Woonerf 1, to the west of the Alley, as identified in the preliminary plat. If the IHCA will not accept the dedication and maintenance obligations, the applicant must either have the property owners retain responsibility or determine if another entity will accept dedication.

Complies. On February 28, 2014, the Applicant received a letter from Sarah McKee, Executive Director of the Issaquah Highlands Community Association (IHCA) agreeing to accept ownership and maintenance responsibilities for Tract A. (Exhibit A.10). See Condition #8 below for Woonerf 1.

2. Unless expressly identified, approval of this preliminary plat application does not modify any City regulations, Issaquah Highlands or WSDOT TDR Development Agreements' standards which are in conflict with elements of the plat or application. Modification of the standards or guidelines requires an explicit approval in the Notice of Decision for this application or a separate Modification as allowed under Appendix M (Issaquah Highlands) or Appendix G (WSDOT TDR) of the Development Agreements.

Complies. All modifications/deviations from City regulations and standards of the WSDOT TDR Development Agreement were identified, modified, and/or conditioned during the preliminary plat approval process. There are no final plat revisions that conflict with City regulations and standards of the WSDOT TDR Development Agreement.

3. With the approval of permits for landscaping, all trees, either new or retained on site, will be counted and tabulated. This will be reviewed with Utility Permits.

Compliance with this condition will be verified with the Landscape Permit (ASDP13-00012).

4. The Applicant shall pay the impact fees as specified in the WSDOT TDR Development Agreement. Impact fees are required for Parks, Police, Fire, and Schools, and payment is required prior to issuance of the land use permit.

Complies. The Applicant has paid the required impact fees.

5. To promote a neighborhood design with houses fronting and related to the street and to support a pedestrian orientation, all the proposed residences shall have a direct connection from the front door to a sidewalk or woonerf. This will be reviewed with Building Permits.

Compliance with this condition will be verified with review of future Building Permits.

6. A lighting plan will be provided for exterior illumination to minimize resource use and light pollution while creating a safe, attractive, and functional neighborhood. This will be reviewed with Utility Permits.

Compliance with this condition will be verified with review of the Landscape Permit.

7. All lots shall have a strong relationship to a street. This will be achieved through design of the street, woonerf, or access tract so that there is a 'public' vehicular route for the lots to relate to; the relationship of houses to the street to reinforce and contribute to the Sociable Public Realm; and the orientation of the homes to provide porches and active areas that are more prominent than the garages. This will be reviewed with the Final Plat, Utility and Building Permits.

Complies. The layout/design of the street and wooners as approved with the preliminary plat reinforce the Sociable Public Realm and set up the opportunity for the houses to orient to the street. The house design and features will be reviewed with the building permits.

8. Woonerf 1 may be dedicated as a public right-of-way if it is designed so that public utilities do not need regular routine maintenance. If this cannot be accomplished, Woonerf 1, west of the Alley, shall remain in private ownership and shall be maintained either by the IHCA or by the Parcel 2 homeowner's association. If it is privately owned, an access easement shall be recorded to allow use of the facility. This will be reviewed with the Utility Permit and Final Plat.

Complies. Public utilities at the end of Woonerf 1 have been designed to not require access for regular maintenance. A modified hammerhead has been provided an public access easement placed on Lot 23. Therefore, Woonerf 1 is dedicated as a public right-of-way on the final plat.

9. Prior to issuance of Building Permits, site design of the houses fronting on any woonerf, shall limit height or presence of elements (e.g. walls, landscaping) directly abutting the woonerf that would inhibit drivers and pedestrians (especially small children) exiting lots from seeing each other.

Compliance with this condition will be verified with review of future Building Permits.

10. For Lots 29-35, if a fence is constructed around the backyard, a gate or similar entry as well as a rear house door must be provided for emergency service personnel to quickly and directly access the house from the alley. Access through the garage is not an acceptable alternative. This will be reviewed with Building Permits.

Compliance with this condition will be verified with review of future Building Permits.

11. The alley shall be paved to 18 feet of width with 12 feet of asphalt in the center, and 3 feet of concrete on either side. This will be reviewed with Utility Permits.

Complies. The alley details were approved with the Utility Permit (PUB 13-00110) and comply with this condition.

12. Fire Access Condition: All portions of all houses shall be within 150 feet of fire truck access, as the hose lays (not as the crow flies). Fire trucks will not pull into the private driveway accessing Lot 16. Therefore, all portions of the house located on Lot 16 shall be within 150 feet of the fire truck access of Woonerf 1. This standard will be reviewed with Building Permits.

Compliance with this condition will be verified with the review of a Building Permit on Lot 16. If the house proposed on Lot 16 doesn't meet the above condition, the house will require installation of fire sprinklers.

13. The need for address kiosks will be determined as street names and individual lot addresses are identified. If they are determined to be necessary, address monument signs shall be provided at the nearest point to the loop route to clearly identify the location of the lots. The address signs shall have numbers/letters approximately 6 inches in height. The final location and design shall be approved by the Designated Official. This will be reviewed with Final Plat and/or Building Permits.

Complies. Address kiosks are located in public right-of-way; the location has been approved with the Utility Permit (PUB13-00110). Where located on private property, an easement for address kiosks has been provided on the Final Plat, easement provision #15 on Sheet 2 of 4.

14. Where logging occurs adjacent to forested open space, the applicant shall monitor edges for hazard trees and blowdowns for 3 years, and remove them under the supervision of the City Arborist. Where trees are removed or lost to blowdowns, the applicant shall plant evergreen trees consistent with the City's Tree Replacement

Code (IMC 18.12.1390), subject to approval by the property owner. This will be reviewed with Utility Permits.

Compliance will be conditioned with final approval of Utility Permits and then monitored for 3 years.

15. Following all logging and clearing within 100 feet of the parcel boundary, the applicant shall provide the Designated Official with certification that these activities did not extend beyond the permitted construction boundaries. This will be reviewed with Utility Permits.

Compliance with this condition will be reviewed prior to final approval of Utility Permits.

16. Any land that is cleared and not used for development will be revegetated with native plantings, including evergreen trees. Any cleared land that sits idle for 6 months shall be revegetated, and any revegetated areas shall be maintained for 3 years. This will be reviewed with Utility Permits.

Compliance with this condition will be verified and monitored with review of Landscape Permits.

17. Prior to grading activities, the applicant must provide geotechnical analyses demonstrating soils can accommodate the proposed development. This will be reviewed with Utility Permits.

Complies. A geotechnical analysis of soils was provided by the applicant as part of the Utility Permit review.

18. The Applicant shall demonstrate that hauling to import or export soil has been minimized through the on-site reuse of graded materials, to the satisfaction of the Designated Official. This will be reviewed with Utility Permits.

Complies. Import and export of soil was reviewed and minimized with approval of Utility Permit.

19. Fill shall not exceed 12 feet from the normalized pre-development grade. This shall be verified particularly for the proposed fill along the south boundaries of Lots 18-20. This is required prior to approval of grading plans and will be reviewed with Utility Permits.

Complies. This condition was verified with review of Utility Permit.

20. Grading and fill placement along the south boundary of Lots 18-20 could create slopes greater than 40%. Structural fills that have a resultant slope of greater than

40% do not require steep slope buffers or setbacks under the following circumstances: 1) they have been designed by a licensed geo-technical or structural engineer, and 2) construction was performed under the guidance of a licensed structural or geo-technical engineer, and 3) the as-built plans are certified by a licensed structural or geo-technical engineer, and 4) special planting techniques on slopes 3.1:1 or steeper may be required to assure the establishment and viability of plant and tree materials. Otherwise, these areas will be treated as critical area steep slopes under Appendix H. These measures will be reviewed with Grading or Utility Permits.

Complies. This condition was verified with review of Utility Permit, no new steep slopes will be created as part of the proposed grading activities.

21. Any regional sewer charges imposed by METRO, if any, must be paid by the applicant at the time of building permit issuance. Local City Sewer Connection Charges will not be levied.

Compliance with this condition will be verified with review of future Building Permits.

22. On the face of each Utility Permit and Building Permit plan set, the applicant shall include the following, as applicable; the total building square footage included in that application, the number of fixture units, the Average Dry Weather Flow (ADWF) and the Peak Wet Weather Flow (PWWF) associated with the improvements in that application. The information must be in tabular format. This condition will be enforced at Building and Utility Permits.

Complies. This condition was verified with review of Utility Permit.

23. All public sewer mains (i.e. all mains serving property owned by more than one owner) must be located in public right-of-way or within utility easements that provide a minimum of 15 feet of unobstructed space for access and maintenance.

Complies. This condition was verified with review of Utility Permit.

24. All public sewer mains must include all-weather access for the City's Vector Truck. The truck must be able to approach and stage within 6' of the edge of any manhole. This condition will be enforced during Utility Permit review and approval.

Complies. This condition was verified with review of Utility Permit.

25. All existing off-site sewer pipes must remain in-service during construction. This condition will be enforced during Utility Permit Review.

Complies. This condition was verified with review of Utility Permit.

26. Stormwater from the rooftops on Lots 8 through 21 shall discharge directly to the adjacent wetland and may use small-scale facilities that minimize disruption and impact on the wetland and buffer. This includes installing the pipelines with hand tools, minimizing the excavation and trench volume and replacing the native vegetation over the trench. The ends of the pipes shall be stabilized and include energy dissipation measures to minimize erosion and scour in the wetland. This condition will be enforced during Utility Permit Review.

Complies. This condition was verified with review of Utility Permit. Final Plat shows private drainage easements (Sheet 4 of 4) and easement provision #8 (Sheet 2 of 4) specifies maintenance responsibility.

27. All surfaces and facilities that discharge to the existing stormwater system in Road A (tributary to Falls Ponds) must meet the following conditions which will be reviewed with Utility Permits:

- a. No more than 2.0 acres of treated stormwater runoff from impervious surfaces including pollution generating and non-pollution generating areas. All other stormwater shall use the existing Parcel 2 Tight-line to East Fork Issaquah Creek or on-site infiltration.
- b. At least 25% of roadways and alleys within Parcel 2 must be pervious paving or use Low Impact Development stormwater management techniques.
- c. Some improvements must be made off-site, in the existing Issaquah Highlands stormwater system, to generate the capacity in Falls Pond for this stormwater discharge. Generally speaking, the changes are described in a report titled, "Issaquah Highlands Comprehensive Stormwater Optimization Report 2012 Update" dated August 8, 2012 by Mead and Hunt. The City will define the improvements and design criteria at a later date in conjunction with Utility Permitting for Parcel 2.
- d. The applicant shall pay the City \$20,000 for each residential building permit in Parcel 2 that discharges to Falls Pond. Payment shall be collected at the time Building Permits are issued. Residential structures that discharge stormwater to the south, using the existing Parcel 2 storm water tight-line to East Fork Issaquah Creek, or that infiltrate or use LID stormwater management techniques, or that discharge to the adjacent wetland are exempt from the \$20,000 payment (although these units must construct all stormwater improvements at Developer expense).
- e. At least one residential unit or a portion of the roadway stormwater system must discharge to the existing Parcel 2 storm water tight-line to East Fork Issaquah Creek; or, the unused portion of the Parcel 2 Tight-line must be removed and the area restored at Developer expense.

Findings, Conclusions, and Decision

City of Issaquah Hearing Examiner

Issaquah Highlands Parcel 2 – Ichijo Sun Ridge Final Plat (FP14-00001)

Complies. This condition was verified with review of Utility Permits and will be reviewed with Building Permits.

28. All stormwater from Pollution Generating Surfaces that discharge to Falls Pond shall be treated in accordance with the MDP prior to discharge. This condition will be enforced during Utility Permit Review.

Complies. This condition was verified with review of Utility Permit.

29. All stormwater that is discharged to the adjacent wetland must be from Non-Pollution generating Surfaces (i.e. rooftops).

Complies. This condition was verified with review of Utility Permits.

30. All publicly owned pipelines shall be within an easement that is a minimum of 15 feet wide or the pipeline must be designed in a manner that mitigates the narrow access corridor and limited work area. This might include sleeved construction techniques so that the pipe can be removed without excavation or otherwise providing enhanced access and work areas for maintenance or replacement operations. This condition will be enforced during Utility Permit Review.

Complies. This condition was verified with review of the Utility Permit and Final Plat. Final Plat shows the easements on Lots 3, 4 and 36 on Sheet 4 of 4 (Details 'B' and 'C') and includes easement provisions #4 and #5 on Sheet 2 of 4.

31. A short section of stormwater pipeline serving the project is shown on Lot 1 and the plans include a note to provide an easement for the section of piping on private property. This line shall be relocated, presumably by the addition of a catch basin, so that it is not on private property and can remain in the right-of-way.

Complies. This condition was verified with review of Utility Permit.

32. Two off-site water connections are required in order to meet redundancy requirements. Although the Parcel 3 connection shown on Sheet P06 is the logical and preferred connection, if an easement cannot be obtained, the main must be looped at an alternative location. Most likely this will be to the west through the PSE and Williams Gas Easements to parcel 1. This condition will be enforced during Utility Permit Review.

Complies. This condition was verified with review of Utility Permit.

33. All metered connections shall pay the Regional Connection Charges in effect at the time the meter is permitted, but no City Water Connection Charges are required.

Compliance with this condition will be verified with review of Building Permits.

34. Critical area protection mechanisms in Section 8.0.A require buffer areas to be protected in tracts or with restrictive easements, to remain undeveloped in perpetuity and recorded on all documents of title of record. The wetland buffer Tracts E and F are part of the larger buffer area for Wetland EF23, owned by King County. With final plat drawings, the tracts shall be dedicated to King County so the entire wetland buffer is in contiguous ownership and maintenance responsibilities are clear. This will be reviewed with Final Plat.

Complies. Wetland EF23 has not been transferred to King County and is currently owned by the City of Issaquah. Therefore, wetland buffer Tracts E and F are shown on the Final Plat as being dedicated to the City of Issaquah (Note #5 Sheet 2 of 4). The City is still in negotiations with King County regarding transfer of the property.

35. With the final plat drawings, a 15-foot building setback line shall be shown along Lots 8-13.

Complies. Final plat drawings show a 15-foot building setback on the back of Lots 8-13 (Sheet 4 of 4).

36. Prior to issuance of Utility Permits, permanent survey stakes shall be set delineating the boundaries between the critical area tracts and adjoining properties. Between critical areas and adjacent lots: 4 feet tall, open metal fences shall be installed along the residential lots adjoining property line; and on every other property line, permanent signs identifying the type and value of the critical area shall be installed. For any construction activities within 100 feet of the buffer of a critical area, an independent qualified professional shall be hired, acceptable to the Designated Official, to be on-site as needed to ensure construction does not exceed the limits indicated. Following construction within this area, a licensed surveyor shall certify to the Designated Official attesting that all activities were contained within the approved limits for both critical areas and project boundaries.

Compliance with this condition will be certified prior to final approval of the Utility Permit and with review of the Landscape Permit.

37. Street trees shall be required in the landscape strip between the sidewalk and Road A. It should be noted that the Main Body, Section 4.1.5 requires that with the approval of permits for landscaping, all trees, either new or retained on site, will be counted and tabulated. This will be reviewed with Utility Permits for clearing.

Compliance with this condition will be required with the Landscape Permit.

38. There is a potential trail connection to the west, going across the PSE/Williams gas easement, to connect to the trail through the Burnstead development on Parcel 1/A. The applicant shall provide a trail stub from Tract A for a future trail connection to the west. This will be reviewed with Utility Permits. This potential connection shall be signed at Final Plat.

Complies. Landscape plans for the open space Tract A include a trail stub and signage indicating a future trail connection to the west. The Final Plat includes locations for public signage easements (Sheet 4 of 4).

39. In order to make the trail and open space tract more accessible to all residents of the development, the trail ends connecting to the public streets will include entry features, including design, landscaping, and signage to enhance visibility and accessibility. This would be reviewed with Utility Permits.

Compliance with this condition will be required with review of the Landscape Permit. Preliminary landscape plans for the open space Tract A include entry features and signage to enhance visibility and accessibility for all residents.

40. The park shall include active uses and street furniture because it is intended to serve the needs of all plat residents. The specific landscaping and park improvement details will be reviewed with the Administrative Site Development Permit for the tracts and their construction permits.

Compliance with this condition will be required with review of the Landscape Permit. Preliminary landscape plans for the open space Tract A includes street furniture (benches), landscape and park improvements to serve the needs of plat residents.

41. Lots 29-35 shall have their homes "front" Tracts A, by providing: a) a front door facing the tract, b) a front walkway to and from the trail in the open space, c) a façade which through design and detailing conveys it is the front of the house. If a builder or homeowner desires low fencing or landscape along the park property line or adjacent to the main park walkway, it must be less than 48 inches in height, and maintained at or below that height. This will be reviewed and/or conditioned with the Building Permit, and the Final Plat will restrict landscape and structure heights on the western edge of Lots 29-35.

Compliance with this condition will be required with the review of Building Permits for Lots 29-35. The Final Plat includes a note (Note #7, Sheet 2 of 4) specifying the above conditions for Lots 29-35.

42. Incorporate children as an integral user of Tract A, including varied opportunities for children's play. The overall design shall respond to the variety of residents and users of Tract A, maximizing its usability while recognizing that passive areas and a

transition to adjacent open space are necessary and appropriate. This will be reviewed with Utility Permits as well as the Administrative Site Development Permit for the open space Tracts.

Compliance with this condition will be required with review of the Landscape Permit. Preliminary landscape plans for the open space Tract A include elements for children's play and passive areas to maximize the usability for residents.

43. Within Tract A, the plat shall provide a relatively flat, contiguous area of a minimum 2000 square feet. Flat is defined as 2-3% maximum slope. This will be reviewed with the ASDP for the Tract, as well as Utility Permits.

Compliance with this condition will be required with review of the Landscape Permit for the open space Tract A.

44. With the final plat, Tract A shall provide an access easement to ensure common use of the facility by the community.

Complies. The Final Plat includes a public access easement granted to the City of Issaquah for Tract A (Easement Provision #6, Sheet 2 of 4). Final Plat Sheet 2 includes Note 4 conveying Tract A to the IHCA for the purpose of open space, recreation and public pedestrian access.

45. Tract A shall be widened by reducing the front yards of the adjacent homes on Lots 29-35, in order to create the usable open space as required in the Goals and Guidelines, and approximately as shown in the revised plan, shown in the Briefing Response Memo dated March 26, 2013. This will be reviewed by the Final Plat for Tract A.

Complies. Tract A has been widened from approximately 27 feet to 34 feet on the Final Plat and Landscape Plan, in order to increase the usable open space area.

46. The Applicant shall collaborate with the City to identify possible improvements and enhancements to the vegetation on the open space land adjacent to Tract A, with the approval of the adjacent property owner.

Compliance with this condition will be verified with review of the Landscape Permit.

Exhibit A, Staff Report, pages 5 to 12.

9. City staff reviewed the proposed final plat for compliance with the technical requirements in IMC 18.13.180 through IMC 18.13.200 governing the final plat application, the general and specific requirements of the final plat, the dedications and certifications

Findings, Conclusions, and Decision

City of Issaquah Hearing Examiner

Issaquah Highlands Parcel 2 – Ichijo Sun Ridge Final Plat (FP14-00001)

contained in the final plat or to accompany the final plat, the requirements of Chapter 58.17 RCW, and the applicable provisions of the WSDOT TDR Development Agreement. City staff determined that all of these requirements are satisfied, and recommended approval of the final plat. *Exhibit A, Staff Report, pages 12 to 13.*

10. At the public meeting, Peter Rosen, City Senior Environmental Planner, noted that Lot 9 in the approved preliminary plat was eliminated in the final plat to provide a turn-a-round for the one of the cul-de-sacs (Woonerf 2), and that this was the only significant revision between the preliminary plat and final plat. Mr. Rosen also commented that City staff recommends standard proposed conditions of final plat approval that would ensure the Applicant obtains necessary signatures of City representatives on the final plat, properly records the final plat, and properly submits copies of the final plat to City Departments. *Exhibit A, Staff Report, page 5; Comment of Peter Rosen.*
11. Under IMC 18.13.280, the Hearing Examiner may not approve a final plat until all required improvements are constructed in a satisfactory manner and approved by the responsible City Departments, or sufficient bond has been satisfactorily posted in lieu of completion. The City Public Works Director must notify the City Planning Department in writing of the improvements deferred, the amount of bond or other security and the time limit of such, and any other pertinent information. *IMC 18.13.280.G.* Sheldon Lynne, City Public Works Engineering Director, stated in a July 31, 2014, letter to Charlie Bush, City of Issaquah, that the developer has deferred some plat improvements, that these plat improvements are bonded, and that the bond has been posted. *Exhibit A, Staff Report, page 4; Exhibit A.9.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to hear and decide final plat applications pursuant to Issaquah Municipal Code (IMC) 18.04.490.C.2 and IMC 18.13.200. According to IMC 18.04.470.B, a final plat is reviewed at a public meeting and does not require review at an open record hearing. *IMC 18.04.470.B.*

Criteria for Review

The criteria for final plat review are found in IMC 18.13.200.B, which states:

The Hearing Examiner shall review the final plat and all documents including any public comments and approve the final plat if the final plat:

1. Except for minor modifications under IMC 18.13.160, Modification of an approved final plat, is consistent with the approved preliminary plat; and
2. Is consistent with the provisions of this title and Chapter 58.17 RCW.

Findings, Conclusions, and Decision

City of Issaquah Hearing Examiner

Issaquah Highlands Parcel 2 – Ichijo Sun Ridge Final Plat (FP14-00001)

These criteria include the criteria for review of plats set forth in RCW 58.17.110, the state subdivision statute. The City Council and Hearing Examiner addressed consistency of the application with RCW 58.17.110 criteria during preliminary plat review. *See Exhibit A.7; Exhibit A.8.* As a result of preliminary plat review, the Hearing Examiner approved the preliminary plat with 46 conditions. *See Exhibit A.8.* Because the application has already undergone review for consistency with the applicable subdivision criteria, and conditions of approval were applied to ensure consistency, final plat review is limited to determining whether conditions of preliminary plat approval and Chapter 18.13 IMC technical requirements are satisfied.

Conclusions Based on Findings

1. **With conditions, the proposed final plat would comply with Chapter 18.13 IMC technical requirements.** The City gave adequate notice of the final plat application and associated public meeting. The City previously reviewed the environmental impacts of the final plat through SEPA review of the impacts of the WSDOT TDR Development Agreement. The Applicant has generally complied with Chapter 18.13 IMC technical requirements, including dedications and certifications, improvements, and financial guarantees on deferred improvements. Conditions are necessary to ensure that the Applicant includes necessary signatures of City representatives on the final plat, properly records the final plat, installs signage required by conditions of preliminary plat approval, and properly submits copies of the final plat to City departments. *Findings 1 -4, 8 - 11.*
2. **The final plat would comply with the applicable conditions of preliminary plat approval.** The residential development proposed for the subject property is consistent with the Urban Village Comprehensive Plan designation. The proposed development is consistent with the purpose and requirements of the Urban Village zone. The application for final plat approval was adequately reviewed for compliance with the conditions of the preliminary plat approval. Completion of required improvements is guaranteed through posting of a performance bond by the Applicant. Appropriate provision has been made for the public health, safety, general welfare, and all other items specified in IMC 18.13.310. *Findings 1 - 11.*

DECISION

Based on the preceding Findings and Conclusions, the final plat for Issaquah Highlands Parcel 2 – Ichijo Sun Ridge is **APPROVED**, subject to the following conditions:

1. Minor, non-substantive adjustments may be made to the final plat at the discretion of the Responsible Official prior to recording.
2. Prior to recording of the Final Plat, the necessary signature of City representatives must be signed on Sheet 1 of 4 and other sheets that apply.
3. The Applicant shall record the approved Final Plat with the King County Department of Records and Elections.


Findings, Conclusions, and Decision

City of Issaquah Hearing Examiner

Issaquah Highlands Parcel 2 – Ichijo Sun Ridge Final Plat (FP14-00001)

4. A copy of the recorded Final Plat packages shall be provided to the Development Services Department within ten (10) days of recording with the King County Department of Records and Elections. The Applicant shall also submit an electronic copy of the plats in a format acceptable to the Public Works Department.

Decided this 13th day of August 2014.


THEODORE PAUL HUNTER
Hearing Examiner
Sound Law Center